



**A.B.A.T.E. of Michigan, Inc.**

This packet has been developed to help the lawmaker make an educated decision concerning a very controversial subject. The packet is subdivided into six sections as follows:



- Section I
  - Map showing current status of mandatory helmet states vs. adult choice states
  - Map showing helmet status of Great Lakes States
  - Graph comparing helmet fatality rates of mandatory helmet law states vs. adult choice states
- Section II
  - Position Paper from ABATE of Michigan, Inc., showing the ineffectiveness of mandatory helmet laws as well as effective means of preventing accidents
- Section III
  - Economic Impact Study (executive summary) showing a \$1.2 Billion potential economic benefit to Michigan resulting from the modification of Michigan's Mandatory helmet law.
- Section IV
  - Paper discussing the PIP argument proving its implementation has no rational basis
  - A letter from the Oakland County M.E. regarding a motorcycle helmet's inability to prevent a closed-head injury
  - FAQ's on motorcycle insurance
- Section V
  - Motorcyclists and Public Burden
  - Bullet points with frequently asked questions about Michigan's motorcycle helmet law

For additional information concerning this topic please contact Jim Rhoades, Legislative Officer for ABATE of Michigan, Inc., at 734 578-6144 or Vince Consiglio, President of ABATE of Michigan, Inc. at 248 684-6576.

**State by State Motorcycle Helmet Laws**

**United States  
Motorcycle Helmet Laws**

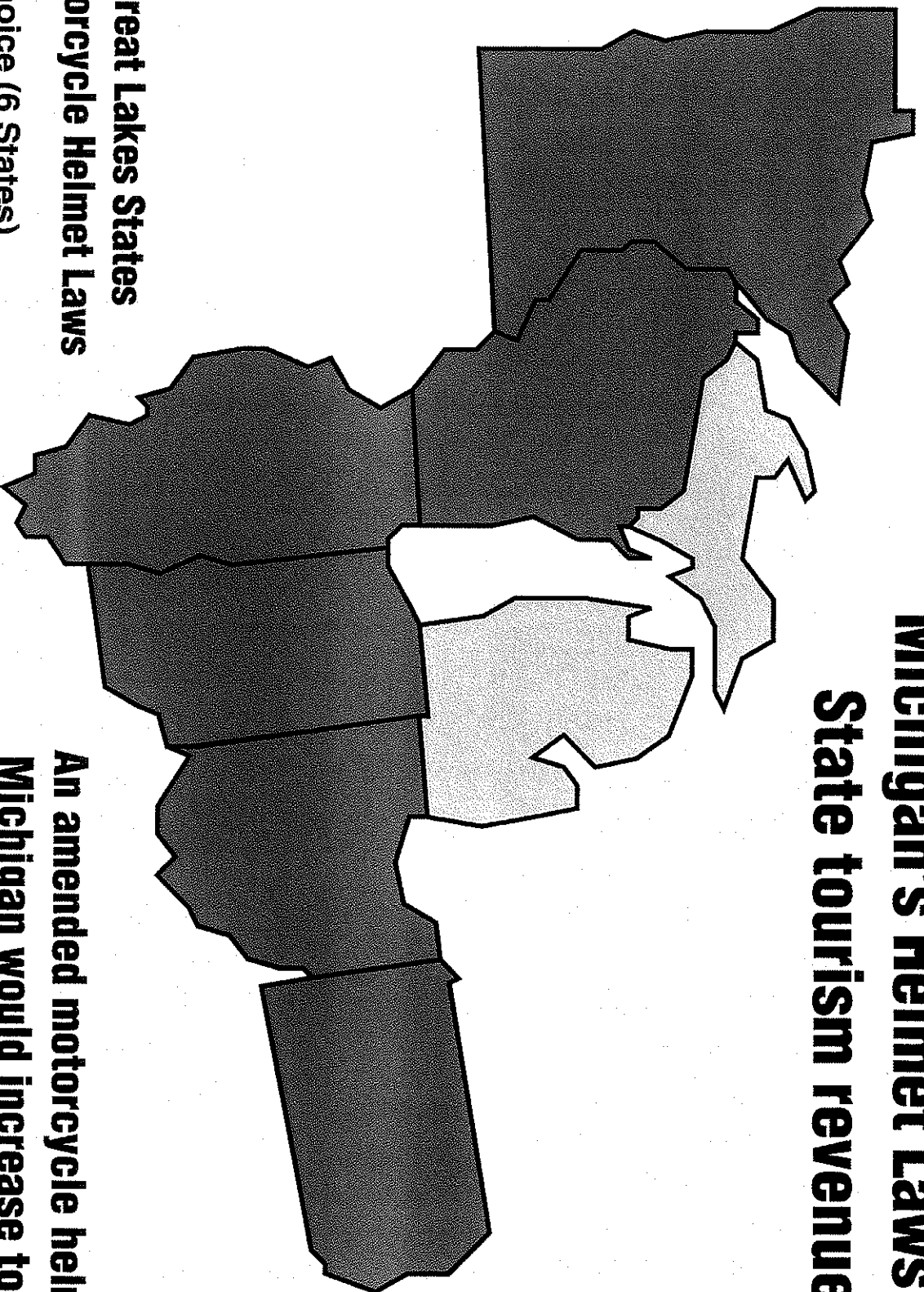
Choice (30 States)  
No Choice (20 States)

|   |                              |
|---|------------------------------|
|  | <b>Choice (30 States)</b>    |
|  | <b>No Choice (20 States)</b> |

**Choice (30 States)**

**No Choice (20 States)**

# Michigan's Helmet Laws risk State tourism revenues



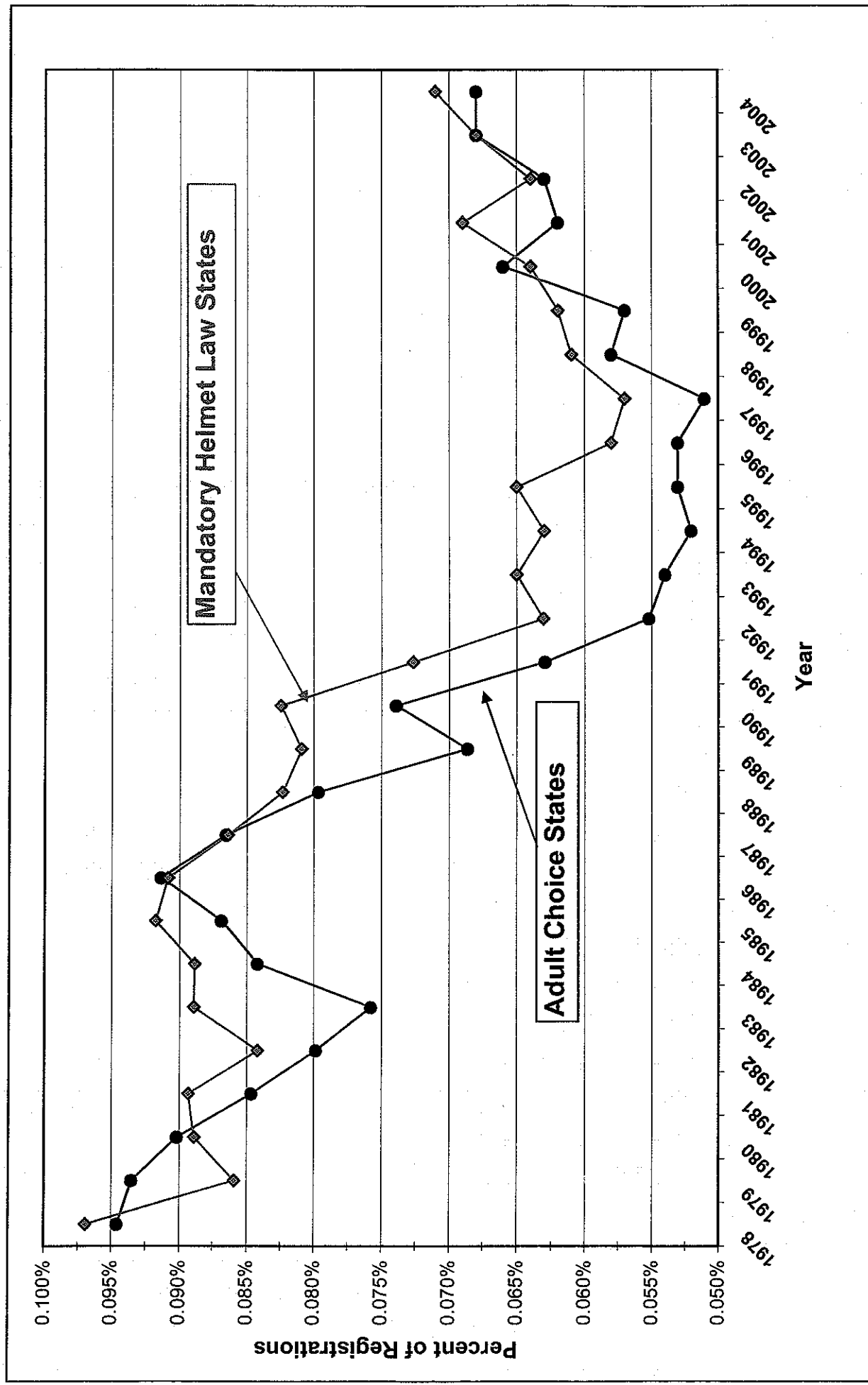
**Great Lakes States  
Motorcycle Helmet Laws**

- Choice (6 States)
- No Choice (1 State)

**An amended motorcycle helmet law in  
Michigan would increase tourism and  
spending dollars by over a billion dollars**

# Do Helmet Laws Affect Safety? The Facts

## 50 State Data, Fatalities in Percent of Registrations





## ABATE of Michigan, Inc. *Position*

### TOPIC: MANDATORY HELMET USE LAWS

ABATE (American Bikers Aiming Toward Education) of Michigan, Inc., is a nonprofit, grass-roots organization dedicated to preserving the rights and promoting the safe operating practices of Michigan motorcyclists.

#### POSITION:

ABATE of Michigan is a freedom of choice organization; believing that the rider is best able to decide the type of motorcycle to ride and the type and extent of safety gear to be worn. We believe that adult riders should have the freedom to choose whether or not they should use helmets as part of a comprehensive motorcycle safety program. We do not support laws mandating use of helmets for adult riders.

ABATE of Michigan believes that crash prevention and avoidance, along with car driver awareness programs, are more effective in reducing injuries and fatalities than any mandatory equipment laws. For this reason, ABATE of Michigan initially introduced legislation for motorcyclist-funded rider education and has continued to support additional funding and has protected funding that has been earmarked for motorcycle rider education. ABATE members have also voluntarily taught over 51,000 new car drivers to look out for motorcyclists with our "Motorcycle Awareness Program" offered to driver's education classes.

#### DISCUSSION:

A clear distinction between the use of a helmet and laws mandating such use is essential. Helmet use may be desirable under many, but not all, conditions. Laws mandating such use at all times are unjustified. The decision to use a helmet, at what times, and under what circumstances or conditions, should remain with the adult operator or passenger.

Mandatory helmet use laws were initiated by the Federal government in the Highway Safety Act of 1966, and subsequently repealed by the Federal Aid Highway Act of 1975, and signed by then-President Gerald Ford in 1976. Most states repealed the imposed mandatory helmet use laws for adults after the Federal pressure was removed. More recently, Federal "incentives" to require state compliance with passage of mandatory helmet use laws were attempted again in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Only one state (Maryland) complied with these "incentives", which were repealed by the National Highway Systems Act of 1995. There are currently no Federal penalties against states that do

not have mandatory helmet use laws. In addition, since that time 6 states have modified their existing laws to reflect adult choice of helmet usage.

Motorcyclists generally exhibit a high rate of voluntary compliance with use of helmets. Where helmet use is not required by law, rates of use typically range from 60 - 75 percent. According to the National Occupant Protection Survey conducted in the summer of 2002, helmet usage was estimated at 58% nationally<sup>i</sup>. This may account for the fact that there is no significant difference in overall motorcyclist fatalities between states that require helmet use and those that do not.

Some advocates of mandatory helmet use laws believe that uninsured costs of injured motorcyclists, which must be born by the public, would increase if voluntary use was permitted. This is not supported by the experience of states that have modified mandatory use laws. As for any "burden" that uninsured motorcyclists may be thought to place on health care resources, it has been consistently determined that motorcyclists are as likely to be privately insured as any other motor vehicle accident victim and in some cases are more likely to be privately insured than the general population of trauma patients<sup>ii</sup>.

Motorcyclists do not represent any greater potential cost to taxpayers than a person driving a car or engaging in any other activity with a potential risk, be it skiing, horseback riding, or climbing the stairs in the house. Motorcycle accidents represent less than one percent of all vehicular accidents. Compared with automobile drivers, motorcyclists represent a minuscule part of all motor vehicle costs.

Laws mandating helmet use at all times have no significant effect on the safety of motorcycling in general. This is clearly evident in Table 1 which compares Michigan with the other states in the Great Lakes Region and in Table II which is a comparison of mandatory helmet states and those which allow adult choice.

**Table I: Motorcyclist Fatalities and Fatality Rates by State  
Totals from 1994 – 2008**

| State         | Motorcycle registrations | Motorcycle rider fatalities | Fatalities per 100,000 Registered Motorcycles |
|---------------|--------------------------|-----------------------------|---|
| Illinois (a)  | 3,592,355                | 1,708                       | 47.55   |
| Indiana (b)   | 1,926,967                | 1,152                       | 59.78   |
| Minnesota (b) | 2,455,067                | 646                         | 26.31   |
| Ohio (c)      | 4,090,276                | 1,581                       | 38.65   |
| Wisconsin (b) | 3,320,456                | 1,030                       | 31.02   |
| <b>Total</b>  | <b>15,385,121</b>        | <b>6,117</b>                | <b>39.76</b>                                  |
| Michigan      | 2,953,370                | 1,256                       | 42.53   |

(a) No helmet use requirement

(b) Required for riders under 18 years old

(c) Required for riders under 18 years old and novices

Table II: Comparison of States with mandatory helmet laws vs. States with modified laws<sup>iii</sup>

**Mandatory helmet laws**

**Adult Choice**

| Year | Registered Motor-cycles | Motorcycle Rider Fatalities | Rider Fatalities per 100,000 Registered Motorcycles | Registered Motor-cycles | Motorcycle Rider Fatalities | Rider Fatalities Per 100,000 Registered Motorcycles |
|------|-------------------------|-----------------------------|---|-------------------------|-----------------------------|---|
| 1994 | 2,189,106               | 1,327                       | 60.62   | 1,529,019               | 768                         | 50.23   |
| 1995 | 2,236,064               | 1,299                       | 58.09   | 1,530,965               | 721                         | 39.38   |
| 1996 | 2,278,443               | 1,224                       | 53.72   | 1,593,156               | 738                         | 46.32   |
| 1997 | 2,029,417               | 1,118                       | 55.09   | 1,796,956               | 819                         | 45.58   |
| 1998 | 2,055,414               | 1,146                       | 55.76   | 1,824,036               | 943                         | 51.70   |
| 1999 | 2,102,741               | 1,222                       | 58.12   | 2,048,692               | 1,064                       | 51.94   |
| 2000 | 1,957,356               | 1,182                       | 60.39   | 2,388,712               | 1,471                       | 61.58   |
| 2001 | 2,119,056               | 1,370                       | 64.65   | 2,784,000               | 1,585                       | 56.93   |
| 2002 | 2,233,190               | 1,357                       | 60.77   | 2,770,966               | 1,677                       | 60.52   |
| 2003 | 2,145,494               | 1,382                       | 64.41   | 3,224,541               | 2,045                       | 63.42   |
| 2004 | 2,343,476               | 1,577                       | 66.44   | 3,437,394               | 2,156                       | 62.72   |
| 2005 | 2,578,520               | 1,852                       | 71.82   | 3,648,626               | 2,402                       | 65.83   |
| 2006 | 2,750,459               | 2,034                       | 73.95   | 3,935,688               | 2,483                       | 63.09   |
| 2007 | 3,025,114               | 2,129                       | 70.38   | 4,113,362               | 2,704                       | 65.74   |
| 2008 | 3,160,376               | 2,156                       | 68.22   | 4,592,549               | 2,819                       | 61.38   |

Note: In 1994 there were 25 states where helmets were required for all motorcyclists and 25 that were adult choice.  
In 2008 there were 20 states where helmets were required for all motorcyclists and 30 that were adult choice.

Note: With the exception of calendar year 2000, every year has had a lower or same fatality rate per 10,000 registered vehicles in states that allow adult choice.

One other issue that is of importance to the state of Michigan is the adverse affect the restrictive laws may be having on the economy of the state. According to a recent independent study, it is estimated that Michigan could realize \$1.2 Billion in increased economic activity and up to 2,700 additional jobs could be created.

## CONCLUSION:

The Motorcycle Safety Foundation Rider Education program may be a factor in the reduction of Michigan motorcycle accidents. Because of this, ABATE has a history of supporting motorcyclist-funded rider education in Michigan. Since the initial legislation was passed in 1982, ABATE of Michigan has been instrumental in keeping the motorcycle safety program funded. In 1987, 1989, 1992, 1995 and 2002, when this funding was threatened, ABATE of Michigan fought to keep this safety program in force.

From the data presented in the paper, it is evident, that the mandatory helmet use laws are not reducing motorcycle fatalities. The decision on when to wear a helmet while operating a motorcycle should remain with each responsible adult rider.

To improve motorcycle safety, ABATE of Michigan, Inc. makes the following observations:

1. Helmets do not prevent accidents
2. Mandatory helmet use does not result in lower fatality rates. The Michigan motorcycle fatality rate per 10000 accidents is not significantly different from the total for the surrounding Great Lake States
3. In 2002, 32 percent of all fatally injured motorcycle operators had higher intoxication rates, with BAC's of 0.8 or greater<sup>iv</sup>
4. In 2002, 25 % of the motorcycle operators involved in fatal crashes did not have a valid motorcycle license<sup>v</sup>

Rather than focusing on mandatory helmet use, which does nothing to reduce accidents, energies should be directed toward reducing riding under the influence and improving motorcycle operator education and licensing along with car driver awareness programs in the state. This is why ABATE of Michigan, Inc. has recently introduced the Ride Straight program, which is a joint venture of the National Highway Traffic Safety Administration (NHTSA) and the American Motorcyclist Association (AMA) and is aimed at reducing/eliminating alcohol consumption while riding. This is also why we continue to stress the importance of the rider education programs and to teach new car drivers to look out for motorcycles.

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<sup>i</sup> Jan. 2003 State Legislative Fact Sheet, Motorcycle Helmet Use Laws, NHTSA

<sup>ii</sup> An analysis of Injury Outcome and Insurance Status of Hospitalized Motorcyclists, Stutts, Rutledge and Martell, University of North Carolina (1991)

<sup>iii</sup> "Traffic Safety Facts 1994 - 2007 - Motorcycles" NCSA Information Services Team, DRID;mcyrates.sas  
Registered Motorcycles - Federal Highway Administration's (FHWA) Annual Highway Statistics, Table MV-1 (national Figures obtained from Table VM-1)

<sup>iv</sup> "Traffic Safety Facts 2002 - Motorcycles", NHTSA and National Center for Statistics & Analysis

<sup>v</sup> "Traffic Safety Facts 2002 - Motorcycles" NHTSA and National center for Statistics & Analysis



*Submitted to*

**ABATE of Michigan  
(American Bikers Aimed Toward Education)**

**ECONOMIC IMPACTS OF  
MODIFICATION TO MICHIGAN  
MANDATORY HELMET LAW**

*Submitted by:*

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**March, 2004**

# **EXECUTIVE SUMMARY**

## **ECONOMIC IMPACTS OF MODIFICATION TO MICHIGAN MANDATORY HELMET LAW**

### **MISSION AND SITUATION**

Legislation is pending in the Michigan legislature to modify the mandatory motorcycle helmet law. The mission of this report is to consider a sometimes ignored aspect of law modification—the economic impacts created by the increase in sales and tourism.

The impetus to modify the Michigan law follows a national trend. Even though during the past thirty-five years essentially all states had some form of mandatory helmet law, only nineteen still do. None of the states bordering Michigan continue to have mandatory helmet requirements for adults. Even if the proposed modifications are passed, the Michigan law will still be more restrictive than most states because it will still require helmet usage by those under twenty-one, and by those without recent training and experience,

### **SIZE AND GROWTH OF MOTORCYCLING**

Nationally, motorcycle registrations increased annually for eleven straight years through 2002. A key influence has been the aging baby boomers. The median age for motorcycle owners was 38.0 in 1998, compared to 24.0 years in 1980. A 1998 study found the median income of motorcycle owners to be over \$44,000, almost three-fifths were married, and over one-half had furthered their formal education after high school.

In 2002, there were **197,735** motorcycle registrations in Michigan. On a per capita basis, Michigan was significantly below the levels of bordering states. The Motorcycle Industrial Council estimated that in the year 2002 in Michigan there were 528 motorcycle retail outlets, with 5,624 employees, and an annual payroll of over \$138 million.

### **ESTIMATED ECONOMIC IMPACT**

Modification of the helmet law holds clear potential to increase the sales of vehicles and accessories, as well as retaining a portion of the tourism spending of Michigan motorcyclists and attracting the spending of out-of-state motorcycle enthusiasts. The report details the methodology, sources, assumptions, and calculations used to generate the estimated impacts.

EXECUTIVE SUMMARY  
ECONOMIC IMPACTS OF MODIFICATION TO  
MICHIGAN MANDATORY HELMET LAW

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The key estimates are as follows:

**Economic Activity--direct**

|                                |                        |
|--------------------------------|------------------------|
| New sales.....                 | \$461.2 million        |
| Resales increased.....         | 124.8 million          |
| Accessory sales increased..... | 27.7 million           |
| Tourism .....                  | 53.9 million           |
| <b>Total direct.....</b>       | <b>\$667.0 million</b> |

**Impact including ripple effect ..... \$1,200.6 million**

**Sales tax direct..... \$40.0 million**

**Employment**

|  |                |
|--|----------------|
| Direct (sales and tourism) jobs.....               | 1,500.2        |
| <b>Total jobs, including from multiplier .....</b> | <b>2,700.4</b> |

Additional tax revenue impacts are noted but formal estimates not offered. The report emphasizes that conservative estimation techniques and assumptions are used throughout. The actual potential, particularly in the area of attracting the tourism spending of motorcycle enthusiasts from other states, is actually far greater than enumerated in the estimates.

**OTHER ASPECTS**

The report focuses on the economic impacts identified above, but for context does provide notes on other aspects of the modification debate. These aspects included the "adult choice" or "rights" aspect, the importance of training and education, and notes on crash data.

Motorcycle fatalities in Michigan numbered 82 during 2002. The number ranged from 51 to 94 during the period from 1993 to 2002; a rather large variance statistically. Even though all motor vehicle deaths are tragic, motorcycle fatalities represented a small portion of the 1,279 recorded that year in Michigan, and were less than one half of the pedestrian figure.

# A.B.A.T.E. of Michigan

## Motorcycle insurance in Michigan

In the early 70's when no-fault was being debated in the legislature, No-Fault was first proposed for all highway vehicles including motorcycles. It was pointed out by the insurance industry in committee, after prodding by the motorcycle industry, that the cost of motorcycle insurance would be prohibitive and exceed the costs of most motorcycles of that day because, whereas motorist in cars are rarely hurt in accidents, motorcyclist are almost always hurt to some degree. So, at the behest of the insurance industry and the motorcycle community a compromise was made which has worked well to this day. Motorcyclists involved in an accident with a car, truck or bus in Michigan would receive No-Fault benefits paid for by the insurer of the car or truck. Motorcyclists would, however, continue like motorist to pay into the catastrophic fund as part of their insurance premium. The current No-Fault law went into effect January 12, 1976, with the insurance companies knowing full well that motorcyclist would be exempted out of PIP (personal injury protection) insurance coverage.

The trial lawyers fought against No-Fault by testing its constitutionality in court in the case *Shavers v Kelly*. The defendants in that case included the major insurance companies in Michigan including AAA and State Farm, among others. The trial lawyers argued that the provisions excluding motorcyclists from having to carry No-Fault was unconstitutional and violating the equal protection guarantees of the state constitution.

In *Shavers v Kelly*, a case in which AAA was represented by Dykema, Gosset law firm, the Michigan Supreme court agreed with AAA's arguments and said " the actuarial data in the records tends to show that motorcyclist are **RARELY** at fault in motor vehicle accidents. Also, there was extensive testimony to the effect that accidents involving motorcycles, the driver and passengers of motorcyclists are killed or severely injured at a rate twice exceeding that of those involved in automobile accidents. Thus the inclusion of motorcyclists in the No-Fault act **WOULD** result in insurance premiums so high as to preclude most motorcyclists from purchasing insurance. We believe these are, for purposes of satisfying equal protection, legitimate governmental interests. The exclusion of motorcyclists from coverage under the No-Fault Act is, quite evidently, reasonably related to these legitimate interests. We therefore hold that s3101 (2) of the No-Fault Act, in excluding two-wheel vehicles from coverage under the act, does not violate equal protection."

The insurance lobby pushed for the above holding and vouched for its truth in 1978. The Supreme Court's observations have been borne out since then. The insurance companies would now have you believe that motorcyclists are a burden and drain on the system they set up and defended.

This means that motorcyclists are **not** required to carry no fault insurance (PIP – Personal Injury Protection.) Under the no fault law, no fault insurers must offer medical insurance to the motorcyclist in increments of \$5,000.00 (5000, 10,000, 20,000, etc.) This usually costs \$50 to \$100 dollars per \$ 5,000. The law requires motor vehicles (vehicles with more than three wheels) to carry PIP. The amount of medical coverage is in an unlimited amount. The amount of medical insurance afforded motorcyclists when a motorcyclist is in an accident with a motor vehicle under No Fault is not limited by coordination pursuant to Section 3109c of the Act because the motorcyclist is not the holder of the policy. However, if the motorcyclist has to claim under his/her own policy under Section 3114 of the Act (if the motor vehicle he was involved in was uninsured) he is subject to any coordination that he agreed to in that policy. **If motorcyclists were required to carry PIP No-Fault Insurance, this coverage cost would be \$4,200 to \$8,400 per year in premiums.** This would obviously eliminate motorcycling and many jobs in Michigan.

Data from the State shows that in 2008 motorcyclist made up over 3% of registered vehicles (261,000 + motorcycles, 8,400,000 +cars). Because of our weather it's more than likely almost every motorcyclist **owns** a car or truck. Every motor vehicle and motorcycle in Michigan pays an equal amount to their insurer which, in turn, is paid by the insurer into the Michigan Catastrophic Claims Association (MCCA). Which means that **every motorcyclist** has paid in **at least twice**, one car- one bike. Definitely a fair share if not more.

Approximately 55% of all motorcycle accidents involve a motorcycle and a car. In that situation, the motorcyclist and passengers' no-fault benefits are paid for by the involved car, or car drivers insurance.

The other 45% of all motorcycle accidents involve either a single vehicle (running wide in a curve, hitting a deer, etc.) or collisions with other non-motor vehicles such as motorcycles, farm implements, and snowmobiles. These accidents are not covered by no-fault in Michigan. These are covered by the motorcycle medical payments coverage and/or other private insurance. In a statistically tiny percent, they may be by tax funded medical insurance such as medicare or V.A. benefits.

As a side note, bicyclists and pedestrians receive approximately three times the amount of "no-fault" benefits thru MCCA as motorcyclists yet, unless they own a motor vehicle, they pay nothing into the catastrophic fund while receiving benefits.

Finally, **NO STATE** in the union has **INCREASED** it's insurance rates when they modified their helmet law for adult choice and **NO STATE** has **REDUCED** it's insurance rates with the implementation of a mandatory helmet law.

Prepared by Herb Rials Jr. Information provided by Larry S. Katkowsky, Esq. Bingham Farms Mich.

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January 8, 2003

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Re: **Kanthak v Gallet Securite Internationale, et al.**  
Your File No.: 138-309

Dear Ms. Getting:

Pursuant to your request I have reviewed the police records and reports, the medical records of Battle Creek Health System, the deposition transcripts of Ms. Artis, Mr. Lake, Mr. W. Kanthak, Dr. Kress, and Mr. Coles, as well as Dr. Webber's report, in reference to the above captioned matter.

It is obvious that all the major arguments about the particular helmet model have been misdirected by the general misunderstanding of the mechanism of the cranio-cerebral injuries sustained by the deceased, Mr. Thomas B. Kanthak.

As a result of being airborne upon the collision of his motorcycle with the automobile, the back of Mr. Kanthak's head impacted an unyielding surface resulting in brain lag within his skull. This phenomenon is a physical characteristic of a human head in motion, and is in effect with or without ANY helmet on the head.

The particular injury pattern that results from this physical phenomenon includes tearing of the bridging veins, resulting in subdural bleeding and the contre-coup bruises of the surface of the brain opposite to the actual point of impact. The bruises of the brain cortex cause the brain to react by swelling. The brain also reacts by swelling to the pressure on it rendered by the space occupying accumulation of blood in the subdural space; and the combined effect of these two detrimental processes created by the same mechanism of injury, result in brain herniations, loss of control of the vital functions, and death.

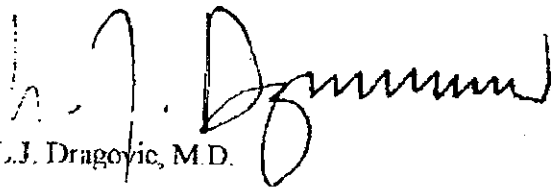
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While Mr. Kanthak sustained a non-displaced fracture of the occipital bone which was an integral part of the injury pattern, it was not the fracture lines in the bone of the skull that caused his death; rather, it was the severe brain swelling resulting from the subdural bleeding and the contre-coup contusions in the front part of the brain that caused his demise.

The described mechanism is invariably present in this type of head trauma and is irrelevant of presence of absence of a helmet on the head.

I trust this answers your query.

Sincerely,

  
L.J. Dragovic, M.D.

# **.ABATE of Michigan, Inc.**

## **Motorcycle Insurance in Michigan – Frequently Asked Questions**

### **Misconceptions about modifying Michigan's mandatory helmet law**

- **Registered motorcycles in Michigan**

Q.) How many registered motorcycles are there in Michigan?

A.) There were over 261,000 registered motorcycles representing approximately 3.2% of all licensed motor vehicles as of 8/29/08 according to Secretary of State records.

- **Motorcyclists and MCCA**

Q.) Do motorcyclists pay into the MCCA and how often?

A.) Motorcyclists, as do all registered motor vehicles, pay approximately \$150 per vehicle which is credited to the MCCA through their insurance carrier. Because of the Michigan climate, over 99% of all motorcyclists have at least one other vehicle to which they pay that \$150 fee. Motorcyclists pay at least twice per household for MCCA coverage.

Q.) Do auto drivers subsidize motorcyclists under the "No-Fault" system?

A.) The "short" answer is NO. Because of the way that the "No-Fault Act" is written and considering that if only one vehicle has "no-fault" coverage, motorcycle insurance carriers have received approximately 6% of the MCCA funds while motorcyclists represent only 3.2% of the vehicles covered. Since motorcyclists almost always have more than one vehicle, this 3.2 % figure is doubled which makes motorcyclist payments a "wash". On the other hand, bicyclists and pedestrians, who have benefited by receiving over 16-18% of the MCCA claims, do not contributing directly. As a consequence, car drivers AND motorcyclists subsidize over 16% of the MCCA funding for bicyclists and pedestrians.

- **Insurance Rates**

Q.) Will insurance rates go up if we modify our mandatory helmet law for "adult choice"?

A.) According to the American Motorcyclist Association and insurance industry representatives, there are no states in the nation that have increased their insurance rates with the modification of their states helmet law. Conversely, there have been no states that have reduced their insurance rates with the implementation of a mandatory helmet law. When asked the question directly, **Insurance Industry Representatives** (speaking before the Michigan Senate Judiciary Committee) testified that there will be **NO INCREASE** in insurance rates with the modification of our helmet law.

- **Head Injuries and the Helmet Law**

Q.) Do head injuries increase when a state repeals its mandatory helmet law?

A.) According to the Wisconsin D.O.T., it was determined that, in fatal motorcycle accidents there the % of riders dying from head injuries was the same (approximately 28-29%) whether the victim was wearing a helmet or not. A recent report from Pennsylvania showed that there was an increase in head injuries with the modification of there states helmet law. That increase was the same for helmeted riders as it was for non-helmeted riders. Along with this,



the Oakland County Medical Examiner testified for a helmet manufacturer that there is no helmet designed that can effectively stop a closed head injury.

- **Helmet Law Modification and Public Burden**

Q.) Will the general public pay for injured motorcyclists if we modify our helmet law?

A.) Motorcyclists are just as likely to be privately insured as any other road user. As a matter of fact, motorcyclists are slightly LESS dependent upon public funds to pay their hospital bills than the general public. A Harborview Medical Center study reported that 63.4% of the injured motorcyclists in the trauma center relied on public funds while 67% of the general patient population relied on public dollars during the same time period. The 63.4% figure has been selectively used by anti-choice advocates to "prove" the effectiveness of helmet laws while ignoring the 67% figure. Another study by the University of North Carolina's Highway Safety Research Center reported that 49.5% of injured motorcyclists had their medical costs covered by insurance while 50.4% of the other road trauma victims were similarly insured. Again the figure for motorcyclists was used to support a mandatory helmet law while ignoring the latter figure. This analysis refutes any suggestion that motorcyclists disproportionately rely on public health care funds to pay their hospitalization. Take into account that 6/10ths of one percent of crash involved vehicles are motorcycles, a very small number to begin with.

- **The major cause of death in motorcycle accidents**

Q.) Aren't head injuries the major cause of injury in motorcycle deaths?

A.) The answer is simply NO. According to a nationally recognized accident investigator and motorcycle case specialist, the leading cause of death in motorcycle accidents is multiple blunt trauma injuries specifically to the torso rather than the head. To complicate the matter, a rider may have several injuries that may have been fatal i.e.: two injuries to the torso and one to the head. In many jurisdictions, the accident reports require that only one injury be reported and that is generally the head injury. It should be noted that the Automobile Association of America (AAA) has indeed stated or implied that head injuries are the major cause of death in motorcycle accidents. Again, not true.

## **The Truth Behind the Motorcyclist Public Burden Myth**

All too often motorcyclists are portrayed as a burden on society. The most common use of this tired cliché is in conjunction with a helmet law repeal, but it's also used in many other instances. The disturbing part of this is that misleading facts are shown to high-ranking government officials and to the press, where they are accepted at their face value.

Let's look at some facts:

1. Every motorcycle owner in Michigan is contributing at least twice into the insurance pool (MCCA), as they also drive a car. I know many people with 2 (or more) bikes, meaning there is a large contingent of motorcyclists out there paying 3 or more times into the pool.
2. MCCA does not account for part-time use; their rates assume year-round usage. Since the riding season is early March – end of November for the vast majority of Michigan motorcyclists, they are only availing themselves of the benefits 75% of the time but paying for 100%.
3. According to a study done at the Harborview Medical Center in Seattle it was noted that the general patient population was actually 3.6% more reliant on public money to pay their medical bills than were motorcyclists during the same period.
4. A study by the University of North Carolina's Highway Safety Research Center study found that the costs of motorcyclist's injuries were actually lower than the costs for other accident victims. The same study also found that the presence or absence of a helmet was not shown to affect injury costs. This, together with the NHTSA statistics which show that the fatality rate of states with mandatory helmet laws is actually slightly higher than those of states without helmet laws, demonstrates why no helmet law repeal has ever resulted in an insurance premium increase.
5. Insurance companies are the biggest proponents of the "Public Burden" myth, yet they are making obscene profits. AAA more than doubled its profits in five years, from \$50.9 million in 2002 to \$104.2 million in 2006. AAA's surplus--the amount it holds over and above the amount it has set aside to pay claims--has also increased substantially in the last five years, from \$915 million in 2002 to \$1.534 billion in 2006.
6. Motorcycles get double the gas mileage. The huge debate in Congress these days is whether or not to raise the CAFE (Corporate Average Fuel Economy) standards for cars to 35 mpg by 2020; motorcycles on the road today already far surpass this as they get 40 - 50 mpg. Motorcycles get almost double the average fuel economy of today's cars.

The facts speak for themselves. Motorcyclists are not a burden on society in the least; if anything, they are less of a public burden regarding medical costs. When it comes to environmental impact and dependence upon foreign oil, motorcyclists show a tremendous advantage in contributing to our society.

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## **BULLET POINTS FOR ADULT CHOICE ON THE HELMET LAW ISSUE**

### **Misconceptions about Helmet Law Repeal**

#### ♦ **Registered Motorcycles in Michigan**

Q.) How many registered motorcycles are there in Michigan?

A.) According to the Michigan Dept. of Transportation there are approximately 361,000+ as of 2008.

#### ♦ **Mandatory Helmet Law vs. Adult Choice States**

Q.) How many states have repealed their mandatory helmet law?

A.) According to the U.S. Dept. of Transportation, there are 27 state legislatures that have opted for adult choice for riders, usually 18 years or older, and another 3 that have no helmet law for a total of 30 states. The most recent state to modify their mandatory helmet law was Pennsylvania in 2003.

#### ♦ **Insurance Rates**

Q.) If a state repeals its mandatory helmet will my insurance rates go up?

A.) According to the American Motorcyclist Association and insurance industry spokesmen, there have been no insurance companies who have increased their rates because that state has repealed their mandatory helmet law. It should also be noted that there has been no insurance company that has DECREASED their rates when their state reinstated a mandatory helmet law.

#### ♦ **Head Injuries with Adult Choice**

Q.) Is there a 40% increase in head injuries among non-helmeted riders when a state repeals their helmet law?

A.) According to the Wisconsin D.O.T. it was determined that, in fatal motorcycle accidents there, 28-29% of fatalities were from head injuries. The percentages were the same (within ½%) whether the victims were WEARING HELMETS OR NOT. Specifically, in fatal motorcycle accidents where the victim WAS wearing a helmet, 29.4% of those fatalities were from head injuries. By comparison, in fatal cycle accidents where the victim WAS NOT wearing a helmet, 28.9% of the victims died of head injuries. The Governor initiated a requirement to investigate all motorcycle accidents after Wisconsin modified their helmet law in 1978. This study was supposed to "prove" whether or not helmets made a substantial difference in fatalities of helmeted riders versus non-helmeted riders. Wisconsin still allows adults their "choice" on the helmet issue.

#### ♦ **Motorcycle Fatality Rates after Modifying Mandatory Helmet Laws for Adult Choice**

Q.) Will fatality rates (fatalities per 100 accidents) increase if we modify Michigan's helmet law for Adult Choice?

A.) Anti-repeal advocates claim that there is a 25-40% increase in fatality rates when a state repeals their helmet law. If that were the case than fatality rates should be 25-40% lower in states that maintain their law. According to NHTSA, fatality rates over the last 25 years have been virtually the same for freedom of choice states versus mandatory helmet law states. Motorcycle fatalities overall have DECLINED by almost 60% since 1985. Take in to account that 30 states had opted for adult choice. This serves to reinforce the fact that mandatory helmet laws have done nothing to reduce accidents or produce a safer motorcycle rider.

#### ♦ **Louisiana's Fatality Rate Experience with the Reenactment of a Helmet Law – A Classic "Misrepresentation" of the Facts**

Q.) Did Louisiana have a 30% reduction in fatalities when it reenacted a mandatory helmet law 1982 as compared with fatalities from '76 – '81?

A.) This is a classic "misrepresentation" of the facts. After Louisiana reinstated a mandatory helmet law in 1982, the NUMBER of fatalities decreased ONLY because of a substantial DECREASE in the number of registered motorcyclists. The fatality rate (fatalities/100 accidents) actually went UP, which is contrary to what is implied by the opponents of an adult choice option.

Yes, fatality rates for motorcyclists DID increase from 1976 through 1981 in states that modified their mandatory helmet laws. What the opposition never mention is the fact that fatality rates actually rose slightly HIGHER during the same time period in states that still maintained a mandatory helmet law when compared to "repeal" states. There was also a corresponding increase in fatality rates among drivers of compact vehicles and light trucks. These increases were due to the increased usage of economical transportation by new and inexperienced riders and drivers during the "energy crisis". This can be easily verified through NHTSA. It should be noted that approximately 70-85% of all motorcycle fatalities occurs among NEW riders (less than one year of riding experience) and that with any significant increase in motorcycle registrations comes a corresponding increase in fatalities.

♦ **Repeal and Public Burden**

Q.) Doesn't the general public pay for injured motorcyclists if we repeal the helmet law?

A.) Motorcyclists are just as likely to be privately insured as any other road user. As a matter of fact, motorcyclists are slightly LESS dependent upon public funds to pay their hospital bills than the general public. A Harborview Medical Center study reported that 63.4% of the injured motorcyclists in the trauma center relied on public funds while 67% of the general patient population relied on public dollars during the same time period. The 63.4% figure is selectively used by pro helmet law advocates to "prove" the effectiveness of helmet laws while ignoring the 67% figure. A study by the University of North Carolina's Highway Safety Research Center reported that 49.5% of injured motorcyclists had their medical costs covered by insurance, while 50.4% of the other road trauma victims were similarly insured. This analysis refutes any suggestions that motorcyclists disproportionately rely on public health-care funds to pay for their hospitalization. Take into account that less than 6/10ths of one percent of crash-involved vehicles are motorcycles, a very small number to begin with.

♦ **Economic Impact of Motorcycling on Michigan Tourism**

Q.) What is the potential economic impact of motorcycling on tourism and the economy in Michigan?

A.) The economic value of motorcycling in the U.S. over 6 billion dollars a year. Those states that have enacted mandatory helmet laws have experienced a decrease in tourism and dollars from motorcyclists. There are over 770,000 registered motorcycles in the states surrounding Michigan. With every state surrounding Michigan allowing the adult rider a choice on the helmet issue, millions of tourism dollars are lost due to Michigan's mandatory helmet law. In a survey distributed to motorcyclists throughout the states surrounding Michigan, over 95% of out of state riders surveyed indicated that they do not travel in Michigan due to our mandatory helmet law and that they would if the law was changed. In the three year period following the modification of Florida's mandatory helmet law that state realized a 1.22 billion dollars economic increase from motorcycle sales alone, not including the increase in tourism dollars. A recent independent economic impact study concluded that Michigan should benefit with an estimated influx of 1.15 billion dollars to its economy through increased motorcycle sales activity and increased tourism.

♦ **Rider Profile**

Q.) Who is the typical motorcycle rider?

A.) The typical motorcycle rider is 36.5 years old, married, college-educated, and earns more than \$35,000 per year (\$57,000 if they are a member of the American Motorcyclist Association and over \$80,000 if you ride a Harley-Davidson). Along with being insured to operate the vehicles they ride or drive, a motorcyclist obviously pays taxes and they are insured, too! There are 30 million motorcyclists nationwide.

♦ **The Major Cause of Death in Motorcycle Accidents**

Q.) Isn't head injury the leading cause of death in motorcycle accidents?

A.) The answer is simply, NO. According to nationally recognized accident investigator and motorcycle case specialist, the leading cause of death in motorcycle accidents is multiple blunt trauma injuries specifically to the torso rather than the head. To complicate the matter, a rider may have three injuries, which may have been fatal, one to the head and two to the torso. In many jurisdictions, accident reports require that only one injury, the head injury, be indicated. It should be noted that the Automobile Association of America (AAA) indeed states that head injury is the major cause of death in motorcycle accidents (not true). It should also be noted that AAA refuses to insure motorcycles for many of its members and when they DO insure motorcycles it is at a rate that is approximately 50-60% higher than the rates from other insurance companies for comparable coverage.

## Pennsylvania Helmet Study

### Conclusions:

Motorcycle Registrations have increased 69% from 2000 through 2007

Since the introduction of the Adult Choice Helmet Law

Fatalities in percent of Registered motorcycles have not increased:

Average from 2000 through 2002 = 0.0598%

Average from 2004 through 2007 = 0.0589%

